

FILED

JAN - 7 2009

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIAIN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

BERNARDO MENDIA,

Plaintiff,

v.

WARREN E. RUPF, et al.,

Defendant(s).

No. C 08-5205 CRB (PR)

ORDER OF DISMISSAL

This civil action by a prisoner was filed on November 17, 2008. The court notified plaintiff in writing at that time that the action was deficient because plaintiff did not pay the requisite \$350.00 filing fee or, instead, submit a signed and completed court-approved in forma pauperis application, including a completed certificate of funds in the prisoner's account and a copy of the prisoner's trust account statement for the last six months. See 28 U.S.C. § 1915(a)(2). Plaintiff was advised that failure to file the requested items within 30 days would result in dismissal of the action.

More than 40 days have elapsed; however, plaintiff has not provided the court with the requisite items, or sought an extension of time to do so. The action is DISMISSED without prejudice.

The clerk shall close the file and terminate all pending motions as moot.

SO ORDERED.

DATED: Jan. 7, 2009

 CHARLES R. BREYER
 United States District Judge